

UNITED STATES DISTRICT COURT

for the

District of Minnesota

United States of America)

v.)

Carl Marquis Maddox)

Case No: 04-cr-269(4)

USM No: 11766-041

Date of Previous Judgment: 11/21/2005)

pro se

(Use Date of Last Amended Judgment if Applicable)

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 29

Amended Offense Level: 27

Criminal History Category: III

Criminal History Category: III

Previous Guideline Range: 120 to 135 months

Amended Guideline Range: 120 to 120 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE☐ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☒ Other (explain):

Because the Court concludes it would have given Defendant the same 120-month sentence under the amended Guideline range, Defendant's motion is denied. See III. Additional Comments.

III. ADDITIONAL COMMENTS

Defendant was sentenced to the statutory mandatory minimum sentence. The reduced Guideline range does not affect the statutory mandatory minimum. Therefore, the reduction in Defendant's offense level does not permit the Court to sentence Defendant below his original 120-month sentence. United States v. Marshall, 95 F.3d 700, 701 (8th Cir. 1996).

Except as provided above, all provisions of the judgment dated 11/21/2005 shall remain in effect.

IT IS SO ORDERED.

Order Date: 04/08/2008

s / Michael J. Davis

Judge's signature

Effective Date: _____
(if different from order date)

Judge Michael J. Davis, United States District Court

Printed name and title